

# Notice of Allowability

Application No.

10/659,617

Examiner

Patricia C. Mallari

Applicant(s)

THEDE ET AL.

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after final filed 6/8/06.

2. ☒ The allowed claim(s) is/are 1-6,9-11.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material


5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

  
Charles A. Marmor, II  
SPE, Art Unit 3735

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

With regard to claim 1, it is clear that the blood pressure measurement device is part of the invention since the claim recites "a base unit for pivotally attaching to the blood pressure measurement device", wherein the pivotal attachment is defined only with consideration of the blood pressure measurement device as a part of the claimed invention.

With respect to claims 1-6, US Patent No. 5,832,924 to Archibald et al. teaches a sensor interface assembly comprising a base unit 36 for pivotally attaching to a blood pressure measurement device 34, a sensing unit including sensing means 38, 40, 44 for sensing a blood pressure of each pulse as each pulse travels beneath the sensing means. However, Archibald lacks means for detachably connecting the sensing unit to the base unit wherein the means for detachably connecting mechanically and electrically couple the sensing unit to the base unit.

The reasons for allowability that follow are reprinted from the Office action filed 10/4/05.

With regard to claims 1-6, the prior art of record fails to teach or fairly suggest a sensor interface assembly for a blood pressure measurement device comprising a base unit for pivotally attaching the blood pressure measurement device and a means for detachably connecting the sensing unit to the base unit wherein the means for detachably connecting mechanically and electrically couple the sensing unit to the base unit, in combination with all of the other limitations of the claims. The language "means

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for detachably connecting the sensing unit to the base unit” on lines 9-10 of claim 1 meets the 3-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112, 6<sup>th</sup> paragraph. The means for detachably connecting the sensing unit to the base unit is described in the specification as an alignment element 36 and electrical connectors 38 which are received by a receptacle in the base unit (see lines 14-21 of p. 8 and figure 3 of the instant specification). The claim language, therefore, is limited to the connecting means as described by the specification and its equivalents. Similarly, the language “sensing means for sensing a blood pressure of each pulse . . .” on lines 6-9 of claim 1 meets the 3-prong test, thereby invoking 35 U.S.C. 112, 6<sup>th</sup> paragraph and is limited to the pressure transducer, diaphragm, and fluid coupling medium based sensor described in figure 5B and on lines 13-19 of the instant specification and its equivalents.

Regarding claim 10, the prior art of record fails to teach or fairly suggest a non-invasive blood pressure measurement device for determining the blood pressure of an artery, the device comprising a sensing unit including a plurality of electrical connectors which are received by a receptacle of the base unit and which provide power to the sensing unit as well as receive output signals from the sensing means, wherein the base unit is pivotally coupled to the housing unit, in combination with all of the other limitations of the claim.

Regarding claim 11, the prior art of record fails to teach or fairly suggest a sensor for a non-invasive blood pressure measurement device comprising a base unit for coupling to the blood pressure measurement device and including a flexible ring and a connection receptacle and the sensor further comprising a sensing unit comprising a

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pressure transducer, flexible diaphragm, interface means, compressible ring and connecting means for detachably connecting the sensing unit to the receptacle of the base unit, in combination with all of the other limitations of the claim. The language "connecting means for detachably connecting the sensing unit to the base unit" on the final two lines of claim 11 meets the 3-prong test per MPEP 2181 and thereby invokes 35 U.S.C. 112, 6<sup>th</sup> paragraph. The means for detachably connecting the sensing unit to the base unit is described in the specification as an alignment element 36 and electrical connectors 38 which are received by a receptacle in the base unit (see lines 14-21 of p. 8 and figure 3 of the instant specification). The claim language, therefore, is limited to the connecting means as described by the specification and its equivalents.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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